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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/787,292 | |
| | Filing Date | February 26, 2004 | |
| | First Named Inventor | John J. Vajo et al. | |
| | Art Unit | 1754 | |
| | Examiner Name | Wayne A. Langel | |
| Total Number of Pages in This Submission | | Attorney Docket Number | GP-303955 (8540R-000070) |

| ENCLOSURES (check all that apply) | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return receipt postcard |
| Remarks | | The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 07-0960. A duplicate copy of this sheet is enclosed. |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|----------------------------------|--|------------------------------|
| Firm or Individual name | Harness, Dickey & Pierce, P.L.C. | Attorney Name Anna M. Budde Jennifer M. Woodside Wojtala | Reg. No. 35,085 50,721 |
| Signature | | | |
| Date | July 5, 2006 | | |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
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| Typed or printed name | Anna M. Budde / Jennifer M. Woodside Wojtala | Express Mail Label No. | EV 855 009 403 US (7/5/2006) |
| Signature | | Date | July 5, 2006 |

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EV 855 009 403 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/787,292
Filing Date: February 26, 2004
Applicant: John J. Vajo et al.
Group Art Unit: 1754
Examiner: Wayne A. Langel
Title: HYDROGEN STORAGE MATERIALS AND METHODS
INCLUDING HYDRIDES AND HYDROXIDES
Attorney Docket: GP-303955 (8540R-000070)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed June 8, 2006, the Examiner has determined that claims 1-199, as originally filed, are subject to a restriction requirement pursuant to 35 U.S.C. §121. The Examiner has required restriction to one of the following inventions – Group I: Claims 1-110 and 178-186 drawn to a method for producing hydrogen, classified in Class 423, subclass 648.1; Group II: Claims 112-177 and 188-194 drawn to a composition as classified in Class 423, subclass 644; and Group III: drawn to a power device as classified in Class 429, subclass 19.

Applicants elect to prosecute the claims of Group I (Claims 1-110 and 178-186) drawn to methods of producing hydrogen with traverse of the restriction requirement.

The Examiner indicated that Claims 111 and 187 link the inventions identified as Groups I, II, and III. Applicants respectfully submit that the subject matter of various dependent claims in Groups I and II recite similar limitations, albeit being directed to methods and compositions. For example, Claims 4 and 112, 5 and 113, 6 and 114, 7 and 117, 8 and 118, 10 and 119, 11 and 120, 12 and 121, 13 and 122, 14 and 123, and 15 and 124, among others, recite similar limitations. As such, Applicants respectfully submit that restriction between the claims drawn to Groups I and II is not necessary, as the examination will not impose an undue burden on the Examiner due to the similarity of the method and composition claims. Accordingly, Applicants request reconsideration of the restriction requirement.

The Office Action further states that the restriction requirement shall be withdrawn if the linking claims are allowed and the claims that depend therefrom will be rejoined and fully examined for patentability. In the case of the allowance of the linking Claims 111 and 187, Applicants submit that consideration of the dependent claims will be permitted, in essence, similar to an election of species requirement rather than a traditional restriction requirement. Additionally, the right is hereby reserved to file further continuation and/or divisional patent applications for this subject matter and Applicants are not, in any manner, waiving or abandoning any rights to this subject matter.